Pleaders

App. F IX-4

1926.

(mc)

File No. 84-26

Serial Nos. 22, 24 & 25

Previous References
Misc 84-24 15, 18, 19 & 20

Later References
mc 84-26 to 28 & 32
Pol 41-28 142-
mc Pol no 2 30-31
mc 107-30-84 & 42
Pres 90-29 (V 6)

General and Revenue Secretariat.

Serial Nos.

Part B for January

SUBJECT
Liability of the tenants of Govt. Palace Lands for the payment of excess water charges.

Payment of excess water charges by the Superintendent, Govt House, during the period he occupies the Superintendent's quarters of the Govt House

25 Jan The Private Secretary to H.E. the Governor
No. 6978/1 dated 31.1.29
Informs that the Superintendent's quarters are liable for payment of excess water charges

102

Ct 291

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL, MYSORE

Dated 8th August 1928

810

From T.G.Rama Iyer, Esq., B.A.,
[redacted]
President, City Municipal Council,
MYSORE.

To

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore

13 AUG 1928

Ml 84-26-

Sir,

With reference to Government Order No L 4285-8/Ml 84-26-6, dated 4/7th January 1927, passing orders in the matter of the operation and maintenance cost of Mysore City Water Supply, I have the honour to state that the water rate for house connection is payable in respect of Government and Palace buildings in the occupation of tenants. According to Article 55 Mysore Civil Account Code, Volume I, water rate is payable in respect of rented Government buildings by the Public Works Department.

I request you therefore, to be so good as to issue definite instructions to the Public Works Department, Palace Department and the Registrar, Mysore University in the matter

The same question has been raised by the Private Secretary to H.H. the Maharaja re Palace buildings. The orders on that point will hold good in this case also and, if approved, will be applied, subject to the return of that file with orders.

I have the honour to be,
Sir,
your most obedient servant,
President.

Palace buildings in the occupation of private persons to have to pay water rate & special sanitary cess only - cess 9 b (iv)

2

810

App F III—2]

General and Revenue Secretariat.

Secret File No. [illegible] of 192 6

Serial No. 3

A draft addressed to the Hon'ble Secy, the Chief Queen and the Registrar of the Bijapur Inversion is submitted for approval & further orders

CH 5/9/26

Hon'ble Secy

Hon 19/9/26

CHIEF SEC STAMP

18 SEP 1928

Please speak [illegible]

[illegible]—Contin. Sheet.

WD 6576—SFB—30,000—12-4-28

810
1105

(3)

App F III—2]

General and Revenue Secretariat — File No 84 of 192 6

Serial No

4 In Government order of January 1927, the following arrangement has been directed

(1) No water rate and excess water charges will be levied on Government and Palace Buildings as the total contribution being made by Government are intended to cover these charges also

(2) On the Palace and Government Buildings in the occupation of tenants, the prescribed fees on account of metre hire and excess water charges are levied from the tenants

In other words Government and Palace buildings in the Mysore City used for Government and Palace purposes respectively are not liable for any water rate, unless they are in the occ pation of tenants when the fees for meter hire and excess water consumption can be levied from the tenants

A list of Palace buildings for which excess water charges may be levied from tenants is given in statement B attached to the Government order of 20th November 1925

hw 12/10/28

S [illegible]

CHIEF SECRETARY, 12 OCT 1928

b Revise the draft as above

hw 12/10

Sheet

WD 01724—GIPE—30,000—12-4-28

General and Revenue Secretariat.

Dar File No. 84 of 192 6

Serial No

7 Revised drafts submitted [One to the Engineer forwarding the Contract to the Supt]

CHIEF SECRETARIAT 25 OCT 1926

8 The Supt

9 Please verify and put up typed copy of the revised draft

10 Typed copy of the revised draft submitted

11 Chiefs)

CHIEF SECRETARIAT 15 NOV 1926

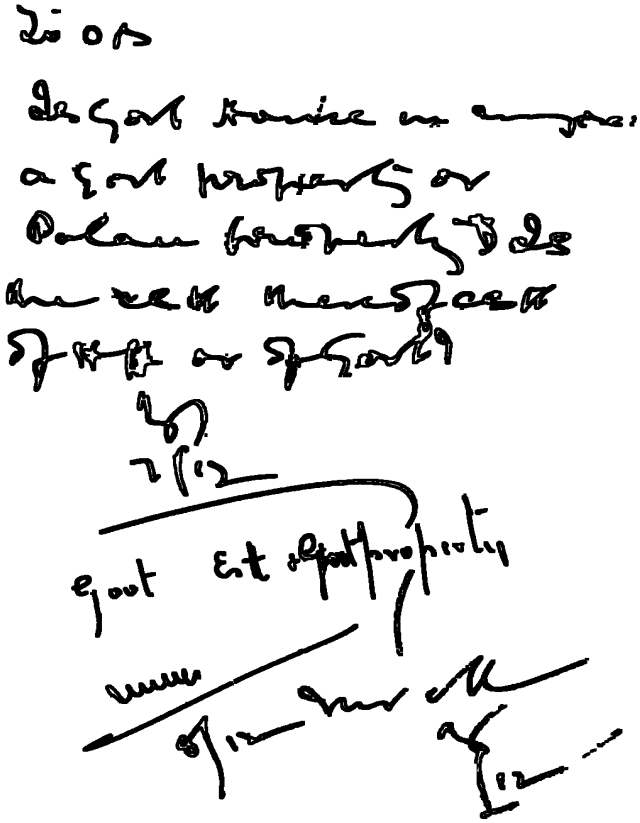
1 Issues

d 3740-44 dated 11/12 Has been forwarded by the Secretary, and the Chief Engineer Mysore

Issues in Attached to be notified to the officers concerned as to the extent to which Lands of Govt and Palace Buildings in Mysore are liable for Water Charges

GEN. SECT. SECTT. 27 NOV 1926 L. S. & BRANCH

Note—Contn. Sheet.



General and Revenue Secretariat. | Ml File No. 84 of 192 b

Serial No.

Letter no 583 D 30th Nov 1928 from the Private Secy to H H the Maharaja enquiring whether water charges are to be paid in respect of the building occupied by the Superintendent Govt House Nandi

13 The point for orders is whether the occupant of the Building was liable to pay the charge before the new arrangement came into force

14 As per proviso to Sec 59 of the Mul Regulations, Govt Building used for Residential purpose are liable to pay Water Charges The buildings in question were being used for Residential purposes Hence they are were liable to be charged for excess water Charges before new arrangement sanctioned on 9th of Jan 1927 came into force

15 Submitted for Rs Govt Contribution of 1/3 of the cost does not perhaps include Water Charges

Ch Rs 16 In cl (viii) of Section the words

[*This was added by Regn IV of 1936]

NOTE—Contn. Sheet.

WD 6176—SPR—10,000—10-28

General and Revenue Secretariat.

ML File No. 84 of 1926

Serial No.

used are "A water rate or water purposes (or water supplied etc. . . ." of in proviso (c) it is stated that water rate on Govt buildings is payable with the consent of the Govt. Inspite from the fact that "water rate" is made to be worn special "Sanitary cess" it looks that water rate is more in the nature of service than land rate so the ancestors water charges of cess fixed in lieu thereof under the old Regn water rate & cesses water charges were payable in respect of Govt buildings unless specially waived its right whether the use of the Govt house by the Engrs was a public or residential purpose water rate was payable under the present Regn such use by the Engrs becomes residential purpose and

NOTE—Contn. Sheet.

7

General and Revenue Secretariat.

Mil File No. 824 of 1926.

Serial No

water rates becomes payable. The one municipal of operation of maintenance charges payable by Govt does not seem to cover the case where buildings occupied by tenants, the party may be charges as payable by

1912

17 Under the order of Municipality for buildings are liable to pay water charges if they are occupied by tenants who were liable to pay water charges before the new arrangement came into force

18 The Municipality says that the Superintendent of Post House at Myaung was not paying water charges for want of water arrangement as such he wants to know whether the buildings to be considered as falling within the order or as one liable to pay water charges as the order did not determine the question of prior liability.

19 In Myaung many houses which

Note—Contn. Sheet.

L 2498

App. F III—2]

General and Revenue Secretariat. | Mel File No. 54 of 1926.

Serial No.

hath to pay water charges were not kept with the same for making such arrangement the liability of the building in question has to be determined with reference to law and order in force at the time of the passing of the order

(2) Residential premises attached to post buildings were hath to water rate and as such to sewer water charge. The residential premises in question which is not the a part building has to be regarded as one hath to such charges

24 Charges

Pursuant (a) to (b) of the Municipality

CHIEF SECRETARY. 20 DEC 1926

Book in Minute Book. A draft in pass up before [illegible]

CHIEF SECRETARY. I agree Put up a draft reply stating that the mere fact that the septic does not pay any sewer water charges does not [illegible] that he are exempted from the levy that the house connection has no sewer connection at the other hand of the new arrangement is to do away with the unfair advantage which the owners of unmetered connections formerly enjoyed

Note—Contn. Sheet.

WD 8171—SFB—30,000—20-4-26

9

2495/L App F III—2]

General and Revenue Secretariat. | Ser. File No. 84 of 1926

Serial No.

Draft Submitted as per para 22 of the rules

Ch 15/1, 5.1.1 (Ch Secy) 23/1/29

CHIEF SECRETARY 19 JAN. 1929

Issue new 29/1/29

L 5098 S 31/1/29

To the Private Secy to H E

Informs that the Seats of Qazis are liable to pay the excess water charges

Sd'

C. [illegible] back up

[illegible] preference is granted to Mus[illegible] in the case of [illegible] the exemption [illegible] Commissioner applies [illegible] charge 29/1/29

25 JAN. 1929

B SECTT GEN'L BRANCH 1 FEB. 1929 L. S. B. BRANCH

NOTE—Contn. Sheet.

WD 6174—SPB—30,000—10-4-28

No GT J 38
Enc.

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL, MYSORE

Dated 31st August 1928

From

T G RAMA IYER ESQ., B.A.,
[redacted],

President, City Municipal Council,

MYSORE

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,

BANGALORE

CHIEF SECRETARY'S OFFICE 3 SEP 1928

Sir,

I have the honour to invite your kind reference to this Office letter No G T 291 dated 8/10th August 1928 in the matter of water rate in respect of Palace and Government Buildings in the occupation of tenants, and to request you to be so good as to issue definite instructions to the Public Works Department, Palace Department and the Registrar, Mysore University, re payment of the water rate

I have the honour to be,
Sir,
Your most obedient servant,

PRESIDENT

GVH

No. 459

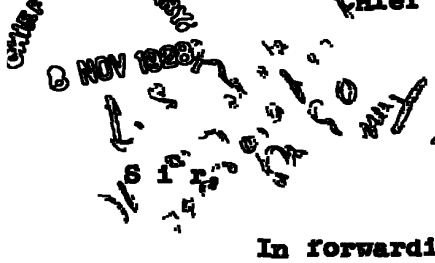
THE PALACE,
Mysore, 7th November, 1928.

From

SIR CHARLES TODHUNTER, K.C.S.I.,
Private Secretary to His Highness
the Maharaja of Mysore.

To

N Madhava Rao, Esq., B.A., B.L.,
Chief Secretary to the Government of Mysore,
Bangalore



Sir,

In forwarding a bill for the house service connection fee for the Superintendent's quarters attached to Government House, Mysore, the President, City Municipal Council, has forwarded an extract from your letter No L.2015/M1 84-26-21, dated 1st/4th September 1928, as follows -

> " x x There was no idea of exempting tenants of Palace and Government buildings from payment of the charges in question The fees (house connection fees) x x x were substituted for the metre hire and excess water charges that the tenants of Palace and Government buildings had been paying before "

In contesting this charge the Superintendent, Government House, has urged that he has not paid these charges before and that he is exempted under Art 123, Mysore Account Code Vol I, para 40 (c) and Note I

The decision of the question raised appears to depend on whether the fee in question is reckoned as a tax or payment for service rendered. I have the honour to request that the Government would be pleased to issue orders as to whether the amount should be paid by the tenant of the house or should be met out of the Government House contingencies.

I have the honour to be,
Sir,
Your most obedient servant,

Private Secretary

12

No 2

The following resolutions are passed in order to clear the doubts expressed in the correspondence read above as to the extent to which tenants of Govt & Palace buildings in Nagpore are liable for water supply charges.

Accepted & Q o No

Govt agree to bear 1/3rd of the annual cost of maintenance of water works in Nagpore city. This contribution is intended to relieve Govt of all liability in respect of water supply to Govt & Palace buildings Govt in the case of such of these buildings as are in the occupation of tenants, it is proposed that the latter should pay proportionate water charges on the basis of assessment fixed for house connection

marked

12

~~Under the new arrangement~~
~~therefore~~ The result is that

1) no ~~water~~ general water
rate is leviable on any Govt
or Palace buildings, ~~which are occupied by tenants or which~~
irrespective of the use ~~to which they are put~~

2) If such buildings are ~~occupied~~
occupied by the Palace or Govt,
~~they~~ they are not liable to
house connection fees or any other charges

3) If the buildings are
occupied by tenants who ~~are~~ were liable to
pay ~~the~~ excess water charges
before the new arrangements
came into force, ~~the~~ such tenants are now to
pay ~~the~~ house connection fees only, ~~as~~ prescribed,
at the prescribed rates

Ml 84-26 22

14

Proceedings of the Govt of His Highness the Maharaja of Mysore

---

R e a d :-

Govt Order No L 4285-8/M1 84-26-6 dated 4th/7th January 1928 passing orders in the matter of operation and maintenance cost of the Mysore City Water Supply and sanctioning among other things the levy of fees for house service connections according to a graduated scale, in lieu of excess water charges and metre hire

2 Govt order No L 80-83/M1 84-26-17 dated 7th July 1928 revising the scale of fees for house service connections in the Mysore City.

3 Letter No G T 291 dated 9th August 1928 fr the President, Municipal Council, Mysore requesting that definite instructions may be issued to the Public Works Department, Palace Department and the Registrar, Mysore University in the matter of water rate for house connections payable in respect of Government and Palace buildings in the occupation of tenants

4 Correspondence ending with letter No 459 dated 7th November 1928 from the Private Secretary to His Highness the Maharaja requesting to issue orders as to whether the house service connection fee for the Superintendent's quarters attached to the Government House, Mysore, should be paid by the tenant or should be met out of the Government House contingencies.

Order No. L

15

Order No L 3740 44

Dated, Bangalore, the 23/11/1928

The following instructions are issued in order to clear the doubts expressed in the correspondence read above as to the extent to which tenants of Government and Palace buildings in Mysore are liable for water supply charges

According to Government order No L 4285-8/M1 84-26-6 dated 4th/7th January ~~1928~~ 1927, Government agreed to bear one third of the annual cost of maintenance of water works in Mysore City This contribution is intended to relieve Government of all liability in respect of water supply to Government and Palace buildings But in the case of such of these buildings as are in the occupation of tenants, it is provided that the latter should pay fixed annual fe on house connections instead of excess water charges and metre hire

The result is that

(1) No general water rate is leviable on any Government or Palace buildings irrespective of the use to which they are put

(2) If such buildings are occupied by the Palace or Government, they are not liable to house connection fees or any other charges

(3) If the buildings are occupied by

tenants

16

tenants who were liable to pay excess water charges before the new arrangement came into force, such tenants are now to pay house connection fees instead, at the prescribed rates

CHIEF SECRETARY TO GOVERNMENT

To

The Private Secretary to His Highness the Maharaja of Mysore

The President, City Municipal Council. Mysore

The Chief Engineer of Mysore

The Registrar, Mysore University

The Comptroller, Mysore Government

Copy

17

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

R O D di-

Government Order No.L.4886-8/M1.34-35-6 dated the 4/7th January 1935, passing orders in the matter of operation and maintenance cost of the Mysore City Water Supply and sanctioning among other things the levy of fixed for house service connections according to a graduated scale, in lieu of annual water charges and meter hire.

2. Government Order No.L.30-33/M1.34-36-17 dated 7th July 1936, revising the scale of fees for house service connections in the Mysore City.

3. Letter No.C.F.201 dated 9th August 1938, from the President, Municipal Council, Mysore, requesting that definite instructions may be issued to the Public Works Department, Palace Department and the Registrar, Mysore University in the matter of water rate for house connections payable in respect of Government and Palace buildings in the occupation of tenants.

4. Correspondence ending with Letter No.499 dated 7th November 1938, from the Private Secretary to His Highness the Maharaja requesting issue of orders as to whether the house service connection fee for the Superintendent's quarters attached to the Government Bank, Mysore, should be paid by the tenant or should be met out of the Government House Contingencies.

ORDER NO.L.

Dated, Bangalore, the 30th November 1938.

The following instructions are issued in order to clear the doubts expressed in the correspondence read above as to the extent to which tenants of Government and Palace buildings in - - Mysore are liable for water supply charges.

According to Government Order No.L.4886-8/M1.34-35-6 dated the 4/7th January 1937, Government agreed to bear one third of the annual cost of maintenance of water works in Mysore City. This contribution is intended to relieve Government of all liability in respect of water supply to Government and Palace Buildings. But in the case of such of those buildings as are in the occupation of tenants, it is provided that the latter should pay fixed annual fees on house connections instead of present water charges and meter hire.

The doubts in this:

-/9

Government of his highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS

G O No L 3740-4—Ml 84 26 22 dated 20th—23rd November 1928

Water Supply Charges

Issues instructions as to the extent to which tenants of Government and Palace buildings in Mysore are liable for ——

Read—

Government Order No L 4285 8—Ml 84 6 6 dated the 4—7th January 1927 laying orders in the matter of operation and maintenance cost of the Mysore City Water Supply and Conservancy Installations among other things the levy of fee for house service connection according to a graduated scale in lieu of excess water charge and metre hire

2 Government Order No L 80 8 —Ml 84 26 17 dated 7th July 1928 revising the scale of fees for house service connection in the Mysore City

3 Letter No G T 291 dated 28th August 1928 from the Assistant Municipal Council Mysore requesting that definite instructions may be issued to the Public Works Department Palace Department and the Registrar Mysore University in the matter of water rate for house connection payable in respect of Government and Public buildings in the occupation of tenants

4 Correspondence ending with letter No 4 9 dated 8th November 1928 from the Private Secretary to His Highness the Maharaja requesting issue of orders as to whether the house service connection fee for the Superintendent Guard attached to the Government House Mysore should be paid by the tenant or should be met out of the Government House contingencies

ORDER No L 3740 4—ML 84 26 22 DATED 20TH—23RD NOVEMBER 1928

The following instructions are issued in order to clear the doubts expressed in the correspondence read above as to the extent to which tenants of Government and Palace buildings in Mysore are liable for water supply charges

According to Government Order No L 4285 8—Ml 84 26 6 dated the 4—7th January 1927 Government agreed to bear one third of the annual cost of maintenance of water works in Mysore City This contribution is intended to relieve Government of all liability in respect of water supply to Government and Palace Buildings But in the case of such of these buildings as are in the occupation of tenants it is provided that the latter should pay fixed annual fees on house connections in lead of excess water charges and metre hire

The result is that—

1 No general water rate is levied on any Government or Palace building irrespective of the use to which they are put

2 If such buildings are occupied by the Palace or Government they are not liable to house connection fees or any other charges

3 If the buildings are occupied by tenants who were liable to pay excess water charges before the new arrangement came into force such tenants are now to pay house connection fee instead at the prescribed rates

N MADHAVA RAO
Chief Secretary to Government

To—The Private Secretary to His Highness the Maharaja of Mysore
The President City Municipal Council Mysore
The Chief Engineer of Mysore
The Registrar Mysore University Mysore
The Comptroller to the Government of Mysore

vd —C K

W I I A) (PB 12 1 12 28

Ml 84-26-2320

20563

THE PALACE

FERN HILL

30th November 1928

GEN & REV SECTT 3

L S G BRANCH

2498L

From

Sir Charles Todhunter, K C S I,

Private Secretary to H H the Maharaja

of Mysore, Camp Fern Hill

3 DEC 1928

To

N Madhava Rao, Esq, B A, B L,

Chief Secretary to the Government of

H H the Maharaja of Mysore, Bangalore

Sir,

I have the honour to acknowledge receipt of a copy of No L 3740/Ml 84-26-28, dated the 22nd/23rd November 1928, on the subject of the liability of the occupants of certain Government houses in Mysore city to the fixed annual fee which is imposed in lieu of excess water charges, and to request that the Government will be pleased to enlighten me as to whether the fixed fee is to be imposed only in cases in which excess water charges were actually paid under the old arrangement. The case referred to in my letter No 453 of the 7th instant was that of an officer to whose quarters no meter was attached and who consequently had not up till then paid any excess charges. The order is that he is liable to pay the fixed annual fee, if he was not liable to pay excess water charges under the old arrangement, but this does not appear to determine the question of his prior liability.

I have the honour to be,

Sir,

Your most obedient servant,

Private Secretary

30 11 28

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 5098 / ME 84-28-25 Dated Bangalore 31/1/1929

From

N MADHAVA RAO Esq B A B L

Chief Secretary to the Government of His Highness the Maharaja of Mysore

To

SIR CHARLES TODHUNTER, K.C.S.I.,

Private Secretary to His Highness

the Maharaja of Mysore.

Sir,

I am directed to invite reference to your letter No.563 dated 30th November 1928 enquiring whether the occupant of the Superintendent's quarters attached to the Government House in Mysore was liable to pay excess water charges before the Government Order No.L.4285-6/Ml.84-26-6 dated 4/7th January 1927 came into force. In reply, I am to state that if the Superintendent of the Government House was not paying excess water charges, this was not because he was entitled to exemption from the levy but because the house connection having no meter, there was no means of assessing the charges. One of the objects of the new arrangement sanctioned in the Government Order of 1927 was to do away with the unfair advantage which the owners of unmetered house connections formerly enjoyed.

I am to add that Article 123 of the Account Code does not support the Superintendent's contention, as the levy now under consideration is in the nature of a fee and not a Municipal Tax

I have the honour to be,

Sir,

Your most obedient servant,

Chief Secretary to Government.

MK.3.

Ml 84-26-2 Pr

To

The Private Secretary
to His Highness the Maharaja
of M y s o r e

No L S-098
d 31-1-29

Sir,

I am directed to invite reference to your letter No 563 dated 30th November 1928 enquiring whether the occupant of the Superintendent's quarters attached to the Government House in Mysore was liable to pay excess water charges before the Government order No I 4225-6/Ml 84-26-6 dated 4/7th January 1927 ~~passing orders in the matter of operation and maintenance cost of Mysore City Water Supply~~ came into force In reply I am to state that ~~the mere fact that~~ the Superintendent of the Government House was not paying excess water charges ~~does not imply that he was exempted from the levy. He was liable to pay the charges as per Section 59 of the Municipal Regulation even before the Government order of 1927 came into force~~

was not because he was liable to exemption from levy but because, the connection having no Meter was no means of measuring the charges

~~It was an accident that that the house connection had no metre~~ One of the objects of the new arrangement ~~directed~~ sanctioned in the Government order of 1927 ~~is~~ was to do away with the unfair advantage which the owners of unmetred house connections formerly ~~enjoyed~~ enjoyed

I am to add that Article 23 of the Agreement does not support the Capt's contention as the charges enforced under the levy were assessed as in the rates and not flat

I have etc ,

31/1/29
L 30 49 d 31/1/29 Chief Secretary to Govt

Copy to the President City Municipal Council Mysore, for information

" By order,"

31/1/29
For Chief Secretary to Govt